

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Mubaraka I.,

Case No. 19-CV-289 (NEB/SER)

Petitioner,

v.

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION**

KEVIN MCALEENAN, Acting Secretary  
of Homeland Security; WILLIAM BARR,  
United States Attorney General; PETER  
BERG, ICE Field Office Director; and  
JOEL BROTT, Sherburne County Sheriff,<sup>1</sup>

Respondents.

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This is a habeas action brought under 28 U.S.C. § 2241 by Petitioner Mubaraka I., a removable alien who, since filing his petition, was removed to Ghana. In an August 1, 2019 Report and Recommendation [ECF No. 16 (“R&R”)], United States Magistrate Judge Steven E. Rau recommended that the petition be denied as moot and that the suit be dismissed without prejudice because Petitioner was returned to Ghana and the Court cannot give him the relief he seeks—an order requiring immediate release pending removal. No party filed objections. The Court accepts the R&R and orders as follows:

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Secretary Kirstjen Nielsen is substituted by Acting Secretary Kevin McAleenan and Acting Attorney General Matthew Whitaker is substituted by William Barr.

IT IS HEREBY ORDERED that the Petition [ECF No. 1] is DENIED AS MOOT and this action is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 19, 2019

BY THE COURT:

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Judge